

1 **THOMAS P. RILEY, SBN 194706**  
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5 **South Pasadena, CA 90071**

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9 **Attorneys for Plaintiff**  
10 **Garden City Boxing Club, Inc.**

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **Garden City Boxing Club, Inc.,**

14 **CASE NO. C 07-04707 JL**

15 **Plaintiff,**

16 **PLAINTIFF'S APPLICATION**  
17 **FOR AN ORDER EXTENDING**  
18 **TIME TO COMPLETE SERVICE;**  
19 **AND ORDER (Proposed)**

20 **vs.**

21 **Manuel Gonzalez Rodriguez, et al.**

22 **Defendant.**

23 **TO THE HONORABLE JAMES LARSON, DEFENDANT MANUEL**  
24 **GONZALEZ RODRIGUEZ, DEFENDANT, AND HIS ATTORNEY/S OF**  
25 **RECORD:**

26 1. On September 13, 2007, Plaintiff's Complaint was filed against Defendant  
27 Manuel Gonzalez Rodriguez, (hereinafter referred to as "Defendant").  
28 2. As of this writing, Plaintiff has been unable to serve the suit papers on  
defendant Manuel Gonzalez Rodriguez, despite multiple attempts otherwise.  
(Please see the Status Report of the process server attached hereto and

PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING  
TIME TO COMPLETE SERVICE; AND ORDER (Proposed)

1 made part of Plaintiff's Exhibit 1).

2  
3 **WHEREFORE**, Plaintiff respectfully requests that the Court permit an  
4 additional thirty (30) days from today's date to effectuate service of the Summons and  
5 Complaint filed in this matter, or to file a motion for service by publication, or in the  
6 alternative, a Notice of Voluntary Dismissal as Defendant Manuel Gonzalez  
7 Rodriguez.  
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10 Respectfully submitted,  
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14 Date: December 11, 2007

/s/ Thomas P. Riley

15 **LAW OFFICES OF THOMAS P. RILEY, P.C.**  
16 By: Thomas P. Riley, Esquire  
17 Attorneys for Plaintiff  
Garden City Boxing Club, Inc.

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**PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING  
TIME TO COMPLETE SERVICE; AND ORDER (Proposed)**

## ORDER (Proposed)

The Court, upon review of Plaintiff's request and representations presented in the above-entitled matter hereby orders the following:

Plaintiff is granted an additional thirty (30) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as Defendant Manuel Gonzalez Rodriguez where service has not been made or service by publication requested.

APPROVED

*James Larson*

Judge James Larson

for California

Date: December 12, 2007

**PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING  
TIME TO COMPLETE SERVICE; AND ORDER (Proposed)**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO:	FOR COURT USE ONLY
THOMAS P. RILEY, ESQ., Bar No.: 194706		(626) 799-9797	
THOMAS P. RILEY, LAW OFFICES OF			
1114 FREMONT AVENUE		tprlaw@att.net	
SOUTH PASADENA, CA 91030		Re: No. or F. o No	
ATTORNEY FOR (Name):	PLAINTIFF	LGS JARRITOS 9/18/04	
Insert name of court, judicial district or branch court, if any:			
UNITED STATES DISTRICT COURT NORTHERN DISTRICT 280 SOUTH FIRST STREET SAN JOSE, CA 95113			

PLAINTIFF:

GARDEN CITY BOXING CLUB, INC.

DEFENDANT:

RODRIGUEZ

DECLARATION RE: DILIGENCE	DATE:	TIME:	DEPT/DIV	CASE NUMBER:
				C07 04707 JL

I received the within process on November 28, 2007 and that after due and diligent effort I have been unable to personally serve said party. The following itemization of the dates and times of attempts details the efforts made to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Party Served: MANUEL GONZALEZ RODRIGUEZ A/K/A LUIS MANUEL GONZALEZ RODRIGUEZ, INDIVIDUALLY AND D/B/A LOS JARRITOS

Residence: Residence address was not known at the time of service.

Business: 1161 SOUTH KING ROAD, #2, SAN JOSE, CA 95122

As enumerated below:

November 30, 2007 12:15 pm

BAD ADDRESS (BUSINESS): 1161 SOUTH KING ROAD, #2, SAN JOSE, CA 95122. THIS IS LINDO MICHOCAN RESTAURANT, PER OWNER, MARIA VALENCIA, SUBJECT HAS NOT BEEN AT THIS ADDRESS FOR OVER A YEAR. NO FORWARDING WAS KNOWN.

December 5, 2007 01:40 pm

ANGEL AT CLIENTS ADVISED OF STATUS VIA E-MAIL, ASSIGNMENT PLACED ON HOLD.

Person who served papers

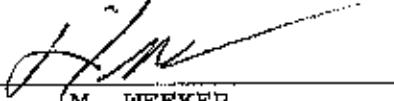
M. WEEKER  
ABSOLUTE SERVICE OF LOS ANGELES  
1301 WEST SECOND STREET, SUITE 204  
LOS ANGELES, CA 90026  
(213) 481-7334

The fee for service was: \$ .00

I am: registered California process server.  
Employee or independent contractor  
Registration No.: 617  
County: SANTA CLARA

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 10, 2007



M. WEEKER

## **PROOF OF SERVICE (SERVICE BY MAIL)**

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is First Library Square, 1114 Fremont Avenue, South Pasadena, CA 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On December 11, 2007, I served:

**PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING TIME  
TO COMPLETE SERVICE; AND ORDER (Proposed)**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Manuel Gonzalez Rodriguez (Defendant)  
1161 S. King Rd., #2  
San Jose, CA 95122

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on December 11, 2007, at South Pasadena, California.

Dated: December 11, 2007

/s/ Arlene Visio  
**ARLENE VISIO**

**PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING  
TIME TO COMPLETE SERVICE; AND ORDER (Proposed)**